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Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Note verbale dated 3 December 2009 from the Permanent Mission of Saint Lucia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Saint Lucia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities and has the honour to refer to resolution 1455 (2003) and Saint Lucia's report on the implementation of counter-terrorism measures pursuant to paragraphs 6 and 12 of that resolution.

The Permanent Mission of Saint Lucia has the further honour to transmit the above-mentioned report of the Government of Saint Lucia (see annex).

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Annex to the note verbale dated 3 December 2009 from the Permanent Mission of Saint Lucia to the United Nations addressed to the Chairman of the Committee

Report of Saint Lucia on the implementation of counter-terrorism measures pursuant to paragraphs 6 and 12 of resolution 1455 (2003)

I. Introduction

1. In Saint Lucia, there have been no experiences of any Al-Qaida or Al-Qaida associated activity. Similarly, there have been no reports of any terrorism related activity linked to the Taliban and Osama bin Laden and their associates.

   Recognizing that Saint Lucia's economy can be very fragile should any such activity be allowed to infiltrate the country and the region, we are committed towards the continued fight against terrorism and terrorism related activities.

II. Consolidated List

2. Saint Lucia is yet to incorporate legislation which deals specifically with the Consolidated List of the 1267 Committee.

   In December 2008, a commencement date was ordered in relation to the Anti-terrorism Act No. 36 of 2003. The Anti-terrorism Act makes specific reference to 13 of the international counter-terrorism instruments and protocols. These are as follows:

   (*a*) Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963

   (*b*) Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on 16 December 1970

   (*c*) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971

   (*d*) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973

   (*e*) International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979

   (*f*) Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 3 March 1980

   (*g*) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988

(*h*) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988

(*i*) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988

(*j*) Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991

(*k*) International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997

(*l*) International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999

(*m*) The Inter-American Convention Against Terrorism, adopted by the Organization of American States General Assembly in Barbados on 3 June 2002.

The Act creates the following offences under Part II:

- *Provision or collection of property to commit terrorist acts*
- *Provision of services for commission of terrorist acts*
- *Use of property for commission of terrorist acts*
- *Arrangements for retention or control of terrorist property*
- *Dealing with terrorist property*
- *Soliciting and giving of support to terrorist groups or for the commission of terrorist acts*
- *Harbouring of persons committing terrorist acts*
- *Provision of devices to terrorist groups*
- *Recruitment of persons to be members of terrorist groups or to participate in terrorist acts*
- *Provision of training and instruction to terrorist groups and persons committing terrorist acts*
- *Incitement, promotion or solicitation of property for the commission of terrorist acts*
- *Providing facilities in support of terrorist acts*
- *Conspiracy to commit offences under this Act*
- *Membership of terrorist groups*
- *Arrangement of meetings in support of terrorist groups*
- *Participation in the commission of offences under this Act.*

Cabinet has agreed to the signing and ratification of the United Nations Convention against Transnational Organized Crime. The legislation that shall give effect to that Convention has gone through the first reading at Parliament.

There are several other pieces of legislation which Saint Lucia can use in its fight against terrorism should the need arise:

- *The Criminal Code Cap 3.01*
- *The Proceeds of Crime Act Cap 3.04*
- *The Money Laundering (Prevention) Act Cap 12.20*
- *The Mutual Assistance in Criminal Matters Act Cap 3.03.*

3. To date has not been implemented. However, technical assistance shall be required to develop procedures to fully implement the Palermo Convention, especially with regards to the freezing of terrorist assets.

4. None.

5. None.

6. Not applicable.

7. Not applicable.

8. The Anti-terrorism Act No. 36 of 2003, which commenced in December 2008, created several of the offences previously highlighted, the penalty for which ranges from fifteen to twenty-five years.

III. Freezing of financial and economic assets

9. There are currently no reports of funds or financial assets of the listed individuals and entities whose funds have been frozen.

Notwithstanding, the Cabinet of Saint Lucia has agreed to the ratification of the Palermo Convention and for it to be given the force of law. The Convention will assist in formalizing and coordinating seizures, forfeitures, and confiscation provisions with other countries.

10. No legislation yet.

11. Financial institutions are encouraged to develop and implement strategies for the reporting of suspicious transactions. The Revised Money Laundering (Prevention) Act makes provisions for financial institutions to report complex, unusual or large transactions. The definition of transaction record under the Act has been extended to include the business correspondent relating to the transaction, all documents relating to the background and the purpose of the transaction.

The Revised Money Laundering (Prevention) Act allows for the Financial Intelligence Authority to undertake inspections and audits to ensure compliance with measures aimed at countering money-laundering.

Section 10 of the Money Laundering (Prevention) Act requires the reporting of suspicious transactions where there are reasonable grounds to suspect that a transaction involves proceeds of a proscribed offence. It is noted that the list of predicate offences has been expanded under the Money Laundering (Prevention) Act and includes the offence of terrorism.

12. To date, no assets of individual or entities listed in the 1267 List have been located or frozen in Saint Lucia.

13. None.

14. Saint Lucia is currently reviewing its terrorism legislation with a view to becoming fully compliant in that regard. There is and would still be a need to examine and analyse the technical logistics of the operational capabilities of the institutional support in that regard.

IV. Travel bans

15. The Immigration Ordinance, Chapter 76 of the Revised Laws of Saint Lucia, is the principal act which governs the movement of persons at the port of entry. The Act provides for the criteria to deem an individual a prohibited immigrant and for other related offences. The Passports Act Cap 10.03 controls and allows for the mechanism for the issuance of passports in Saint Lucia.

16. Border control has been developed in Saint Lucia to the extent that the List is being used manually.

17. Currently, it is not possible to search the List of individuals and entities electronically at all ports of entry.

18. No one to date has been stopped at Saint Lucia's border or in transit, as a result of the person's name appearing on the Consolidated List.

19. None of the names appearing on the lists has ever been discovered in Saint Lucia in the case of a person applying for a visa.

V. Arms embargo

20. Saint Lucia does not manufacture and/or export arms or its associated technology. However, the authorities continue to be vigilant and continue to monitor, with their limited resources, the use of firearms and related material under the Criminal Code Cap 3.01, Firearms Act Cap 14.12, the Pesticides and Toxic Chemical Control Act Cap 11.15, the Explosives Act Cap 14.08 and the Anti-terrorism Act No. 36 of 2003.

21-24. As stipulated above.

VI. Assistance and conclusions

25. Sensitization programmes on anti-money-laundering and terrorism financing.

Border control training for Customs, Police and Immigration with respect to the Consolidated List is required. The manner in which the List should be applied, utilized and referred to.

Continued training for our Financial Intelligence Authority.